

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Schweitzer

Attorney Docket No.: STZ

Serial No. 09/842,076

Filed: 4/25/2001

Title: APPARATUS AND METHOD FOR BROADCASTING
AN EMERGENCY WARNING OVER A TELEPHONE NETWORK

DECLARATION UNDER RULE 131

1. I, Peter Schweitzer, am the inventor in the above captioned matter and make this Declaration in support of my patent application.

2. U.S. Patents 6,418,216 and 6,594,345, filed June 9, 1998 and September 30, 1999, respectively, were cited against my patent application.

3. I conceived my invention prior to the filing of U.S. Patents 6,418,216 and 6,594,345.

4. I met with my patent attorney, Thomas L. Adams, April 17, 1998 in Morristown, NJ, and described a system and method for using the telephone system to notify the public during an emergency by ringing all phones in a region with a distinctive double short ring pattern. I disclosed to my patent attorney all the features contained in independent claims 1, 12, and 34 as amended by this response.

5. In response, my patent attorney conducted a search and reported the results of the search to me May 20, 1998.

6. Thereafter, I filed a patent application on August 10, 1998, which is the parent application on which the present CIP application is based.

7. The present application supplements its parent application simply by describing well-known engineering techniques for implementing the system already described in the parent application.

8. The Examiner objects that the present specification fails "to specifically explain how a switch is operable to receive and decode an emergency signal broadcast from a central authority as a single command event intended to alert and warn the general public." Emphasis in original.

9. The amended claims no longer use the phrases decode, emergency signal, and single command event.

10. With these semantic changes, the original specification clearly discloses how a switch is operable to receive an alert message that was broadcast from a coordination center with the intention of alerting and warning the general public.

11. In the following sections the specification explicitly describes a "coordination center" that broadcasts an "alert message" that affects many central stations: Page 5, lines 4-17; page 5, line 29 through page 8, line 30; page 9, lines 15-17; page 10, lines 21 through page 12, line 2.

12. There is no doubt that the state-of-the-art at the time of filing of the present application and the parent application made it routine to design of a system allowing a coordination center to broadcast an alert message that would be received by and affect many central stations. Broadcasting signals is extremely routine in light of the preexistence of radiotelemetry links, the Internet, and indeed ordinary telephone connections.

13. Designing a system wherein a coordination center could broadcast an alert

message that would be received by and affect many central stations is a task that could be performed without any experimentation and could be completed by skilled technologists most likely in the space of several weeks.

14. The Examiner objects that the present specification fails to specifically explain how "to transmit an emergency ring pattern over all available ones of the subscriber lines handled by the switch that are in area codes and exchanges within the geographical region of concern without discriminating between subscribers if area codes and exchanges [handled] by the switch are within the geographical region of concern."

15. In the following sections the specification explicitly describes how alert messages carry information about area codes and exchanges, and how that information is used to indiscriminately ring subscribers within those area codes and exchanges: Page 5, line 28 through page 6, line 6; page 7, line 1 through page 7, line 19; and page 11, line 4-24.

16. The original specification cites U.S. Patent 5,166,972, which shows that ringing groups of telephones is well-known and easily accomplished.

17. Modern telephone switches are essentially software-controlled and are designed to perform a task that is much more complex than the present task of simply ringing groups of telephones without establishing voice communications. No experimentation would be needed to reprogram an existing switch to have a mode with such reduced capabilities and could be performed by skilled technologists using ordinary programming techniques in a relatively short time.

18. The Examiner objects that the present specification fails to specifically explain

how to implement an "emergency ring pattern simultaneously ringing a plurality of subscribers in a repetitive pattern that is discontinued after a preselected number of repetition[s]." The amended claims no longer use the phrase "discontinued after a preselected number of repetitions." Moreover the original specification cites U.S. Patent 5,166,972, which shows how to simultaneously ring a plurality of subscribers.

19. Therefore, a system for simultaneously ringing a number of subscribers can be achieved without any experimentation and by simply following the teachings of U.S. Patent 5,166,972.

20. The Examiner also contends that the "specification fails to disclose how the switching equipment is operable to transmit the emergency ring pattern at different times for different groups of the subscriber lines and to transmit a ring pattern being performed by multiplexing the emergency ring pattern in order to ring different lines in the same time period with a different phase so that it raises doubt as to possession of the claimed invention at the time of filing."

21. Multiplexing is conceptually no more complicated than old-style message boards with banks of lights that are illuminated in alternate phases to display different messages or images. Multiplexing has been in the Patent literature for telephone systems for decades. See for example U.S. Patents 3,935,391 and 3,935,396.

22. The following sections of the original patent specification describe how to accomplish the tier (multiplex) ringing: Page 5, lines 9-22; page 6, lines 9-12; page 8, lines 5-13; page 9, and line 15 through page 10, line 12.

23. Basically, the specification explains that ringing circuits would be added to

the central office switching equipment. These added ringing circuits would be connected in parallel and would be built the same as existing ringing circuits. They would have sufficient capacity to ring the required number of telephones with a universal distinctive ring.

24. Since the additional ringing circuits would be the same as existing circuits, no experimentation would be needed. Implementing the ringing with the very old technology of multiplexing would also not require any experimentation. Thus, designing the ringing capability could be done in a relatively short time.

25. The system described in this application is necessary and helpful to the Homeland Security office, since the previous Homeland Security Secretary had expressed a need for a general warning system. With the disclosed system, the public will be alerted, and can act or seek advice accordingly, before there is a Nuclear Tsunami.

26. I hereby declare that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


PETER SCHWEITZER

Date: January 17, 2005

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Attorney Docket No.: STZ

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DECLARATION UNDER RULE 131

1. I, Thomas L. Adams, am the attorney of record in the above captioned matter and make this Declaration in support of this application.

2. I met with my client, Peter Schweitzer, April 17, 1998 in Morristown NJ, where he described a system and method for using the telephone system to notify the public by ringing all phones in a region with a distinctive ring pattern. Mr. Schweitzer disclosed to me at that meeting all the features contained in independent claims 1, 12, and 34, as amended by this response.

3. Thereafter I ordered a search and reported the results of the search to Mr. Schweitzer by letter dated May 20, 1998.

4. I hereby declare that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: January 19, 2005


THOMAS L. ADAMS